DETAILED ACTION

1.   Applicant's amendment filed 3/0/2009 is entered. Claims 1-33 were previously

canceled. Claims 34, 37, 40, 45 are currently amended. Claims 34-83 are pending for

examination.

EXAMINER'S AMENDMENT

2.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview

with the attorney Mr. Daniel J. Stanger on 6/3/2009 and 5/20/2009.

        The application has been amended as follows:

        "

        1. – 33. (previously canceled)

        34. (currently amended) An auction method of determining a successful bidder

for a single kind of product or products, the auction method being executed in a server

computer connected with a plurality of client computers via a network, each client

computer belonging to a respective bidder, the auction method comprising the steps of:

        a) transmitting, from the server computer, information on a product to be

auctioned to the plurality of client computers via the network;

a') establishing, in the server computer, a current auction price against which bids are judged;

b) receiving, in the server computer, a rules set including at least one rule defining participation in the auction by a bidder, from each of the plurality of client computers via the network;

b') determining, in the server computer, and based on the rules set received for each bidder, a desired auction price that a bidder is willing to bid for the product, optionally with a maximum allowed price greater than said desired auction price that a bidder is willing to bid;

c) judging, in the server computer, whether the current auction price is equal to or lower than the desired auction price determined according to the rules set received in step b) from each of the plurality of client computers that the bidder is willing to bid, for each bidder;

d) determining, in the server computer, each remaining bidder who has sent the rules set by which it is judged that the current auction price is equal to or lower than the desired auction price judged in step c);

e) judging, in the server computer, whether a competitive state occurs or not, based on the amount of products to be auctioned and the sum of amounts of products that the bidders desire to purchase, wherein a state in which there is more than one remaining bidder as a result of said determining in step d) is defined as a competitive state;

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f) in response to a judgment in step e) that the competitive state occurs, increasing, in the server computer, the current auction price and repeating steps c), d), and e) using the increased current auction price as the current auction price, wherein the repeating of steps c), d), and e) is performed until it is determined in step e) that no competitive state occurs;

wherein if the current auction price is greater than the desired auction price upon repeating step c), the repeated step c) judges whether the current auction price is equal to or lower than the maximum allowed price if present in the rules set as determined according to the rules set received in step b) from each of the plurality of client computers that the bidder is willing to bid, for each bidder, and the repeated step d) determines each remaining bidder if the current auction price exceeds the maximum allowed price judged in step c); and

g) in response to a judgment in step e) the competitive state does not occur, determining, in the server computer, the remaining bidder as a successful bidder.

35. (currently canceled)

36. (currently amended) An auction method in accordance with claim 34, further comprising the steps of:

h) determining, in the server computer, an abandoned bidder who sent the rules set by which it is judged that the current auction price is higher than the desired auction price or maximum allowed price judged in step c); and

i) excluding the abandoned bidder.

37. (currently amended) An auction device of determining a successful bidder

for a single kind of product or products, the auction device being connected with a

plurality of client computers via a network, each client computer belonging to a

respective bidder, the auction device comprising:

first means for transmitting information on a product to be auctioned to the

plurality of client computers via the network;

establishing means for establishing a current auction price against which bids are

judged,

second means for receiving a rules set including at least one rule defining

participation in the auction by a bidder, from each of the plurality of client computers via

the network,

determining means for determining, based on the rules set received for each

bidder, a desired auction price that a bidder is willing to bid for the product, optionally

with a maximum allowed price greater than said desired auction price that a bidder is

willing to bid;

third means for judging whether the current auction price is equal to or lower than

the desired auction price determined according to the rules set received by the second

means from each of the plurality of client computers that the bidder is willing to bid, for

each bidder;

fourth means for determining each remaining bidder who has sent the rules set by which it is judged that the current auction price is equal to or lower than the desired auction price judged in the third means;

fifth means for judging whether a competitive state occurs or not, based on the amount of products to be auctioned and the sum of amounts of products that the bidders desire to purchase, wherein a state in which there is more than one remaining bidder as a result of said determining in step d) is defined as a competitive state;

wherein in response to a judgment by the fifth means that the competitive state occurs, the third, fourth, and fifth means are repeatedly executed using an increased current auction price as the current auction price, wherein the repeated execution of the third, fourth, and fifth means is performed until it is judged by the fifth means that no competitive state occurs,

wherein if the current auction price is greater than the desired auction price upon repeating execution of the third means, the repeated execution of the third means judges whether the current auction price is equal to or lower than the maximum allowed price if present in the rules set as determined according to the rules set received by the second means from each of the plurality of client computers that the bidder is willing to bid, for each bidder, and the repeated execution of the fourth means determines each remaining bidder if the current auction price exceeds the maximum allowed price judged by the third means, and

sixth means for, in response to judgment by the fifth means that the competitive state does not occur, determining the remaining bidder as a successful bidder.

38. (currently canceled)

39. (currently amended) An auction device in accordance with claim 37, further
comprising:

seventh means for determining an abandoned bidder who sent the rules set by
which it is judged by the third means that the current auction price is higher than the
desired auction price or maximum allowed price judged by the third means; and

eighth means for excluding the abandoned bidder.

40. (currently amended) An auction method of determining a successful bidder
for a single kind of product or products, the auction method being executed in a server
computer connected with a plurality of client computers via a network, each client
computer belonging to a respective bidder, the auction method comprising the steps of:

a) transmitting, from the server computer, information on a product to be
auctioned to the plurality of client computers via the network;

a') establishing, in the server computer, a current auction price against which
bids are judged;   b) receiving, in the server computer, a rules set for ordering the
product including at least one rule defining participation in the auction by a bidder, from
each of the plurality of client computers via the network;

c) judging, in the server computer, for each bidder, and based on the rules set received in step b), whether the current auction price is equal to or lower than a desired auction price that the bidder is willing to bid for the product;

d) determining, in the server computer, each remaining bidder who has sent the rules set based on which it is judged that the current auction price is equal to or lower than the desired auction price judged in step c);

e) judging, in the server computer, whether there is more than one remaining bidder as a result of said determining in step d), wherein a state in which there is more than one remaining bidder as a result of said determining in step d) is defined as a competitive state;

f) in response to a judgment in step e) that there is a competitive state, increasing, in the server computer, the current auction price and repeating steps c), d), and e) using the increased current auction price as the current auction price, wherein the repeating of steps c), d), and e) is performed until it is judged in step e) that there is no competitive state;

wherein if the current auction price is greater than the desired auction price upon repeating step c), the repeated step c) judges whether the current auction price is equal to or lower than a maximum allowed price if present in the rules set as determined according to the rules set received in step b) from each of the plurality of client computers that the bidder is willing to bid, for each bidder, and the repeated step d) determines each remaining bidder if the current auction price exceeds the maximum allowed price judged in step c); and   g) in response to a judgment in step e) that

there is no competitive state, determining, in the server computer, the remaining bidder

as a successful bidder,

41. (currently amended) An auction method in accordance with claim 40,

wherein the maximum allowed price is a sum total of the desired auction price with

which the bidder is willing to pay to purchase the product and an acceptable price which

the bidder accepts to pay in addition to the desired auction price, wherein the rules set

includes the desired auction price and the acceptable price.

42-43. (currently canceled)

44. (currently amended) An auction method in accordance with claim 40, further

comprising the steps of:

h) determining, in the server computer, an abandoned bidder who sent the rules

set by which it is judged that the current auction price is higher than the desired auction

price or maximum allowed price judged in step c); and

i) excluding the abandoned bidder.

45. (currently amended) An auction device for determining a successful bidder

for a single kind of product or products, the auction device being connected with a

plurality of client computers via a network, each client computer belonging to a

respective bidder, the auction device comprising:

first means for transmitting information on a product to be auctioned to the

plurality of client computers via the network;

establishing means for establishing a current auction price against which bids are

judged,

second means for receiving a rules set including at least one rule defining

participation in the auction by a bidder, from each of the plurality of client computers via

the network;

third means for judging, for each bidder and based on the rules set received by

the second means, whether the current auction price is equal to or lower than a desired

auction price that the bidder is willing to bid for the product;

fourth means for determining each remaining bidder who has sent the rules set

by which it is judged that the current auction price is equal to or lower than the desired

auction price judged by the third means;

fifth means for judging whether there is more than one remaining bidder as a

result of said determining by said fourth means, wherein a state in which there is more

than one remaining bidder as a result of said determining is defined as a competitive

state,

wherein in response to a judgment by the fifth means that there is a competitive

state, the third, fourth, and fifth means are repeatedly executed using an increased

current auction price as the current auction price, wherein the repeated execution of the

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third, fourth, and fifth means is performed until it is judged by the fifth means that there

is no competitive state;

wherein if the current auction price is greater than the desired auction price upon

repeated execution by the third means, the repeated execution of the third means

judges whether the current auction price is equal to or lower than the maximum allowed

price if present in the rules set as determined according to the rules set received by the

second means from each of the plurality of client computers that the bidder is willing to

bid, for each bidder, and the repeated execution of the fourth means determines each

remaining bidder if the current auction price exceeds the maximum allowed price judged

by the third means; and

sixth means for, in response to judgment by the fifth means that there is no

competitive state, determining the remaining bidder as a successful bidder,

46. (currently amended) An auction device in accordance with claim 45, wherein

the maximum allowed price is a sum total of the desired auction price with which the

bidder desires to purchase the product and an acceptable price which the bidder

accepts to pay in addition to the desired auction price, wherein the rules set includes the

desired auction price and the acceptable price.

47-48. (currently canceled)

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49. (currently amended) An auction device in accordance with claim 45, further comprising:

seventh means for determining an abandoned bidder who sent the rules set by which it is judged by the third means that the current auction price is higher than the desired auction price or maximum allowed price judged by the third means; and

eighth means for excluding the abandoned bidder.

50. (previously presented) An auction method in accordance with claim 34, wherein a plurality of products are auctioned and a plurality of successful bidders are determined in the auction method.

51. (currently amended) An auction method in accordance with claim 34, wherein in step f), the current auction price is increased by a predetermined value; and

wherein the server computer holds the predetermined value.

52. (currently amended) An auction method in accordance with claim 34, further comprising the steps, in the server computer, of:

reducing the current auction price if no bidder exists;

checking whether at least one bidder exists,

determining the existing bidder as a successful bidder if one bidder exists, and

further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing steps.

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53. (currently amended) An auction method in accordance with claim 34, further

comprising the steps, in the server computer, of:

reducing the current auction price if no bidder exists;

checking whether at least one bidder exists,

determining the existing bidder as a successful bidder if one bidder exists, and

further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing steps,

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wherein the server computer determines that the bidder exists when the current

auction price is reduced to the desired auction price of the bidder.

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54. (currently amended) An auction method in accordance with claim 34,

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wherein, in the step e), it is determined that a competitive state occurs when the

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sum of amounts of products that the bidders desire to purchase is larger than the

amount of products to be auctioned.

55. (previously presented) An auction method in accordance with claim 54,

wherein, in the step e), if the total of (1) the sum of minimum desired amounts of

bidders who are included in the bidders each having a nonzero desired amount and

who do not purchase for an amount less than a minimum desired amount, (2) the

number of bidders each having a minimum desired amount equal to zero, and (3) the

number of bidders who purchase even if the amount is less than the minimum desired

amount, is equal to or less than the remaining quantity of the products, the server

computer determines that the competitive state does not occur.

56. (previously presented) An auction device in accordance with claim 37,

wherein a plurality of products are auctioned and a plurality of successful bidders

are determined.

57. (currently amended) An auction device in accordance with claim 37,

wherein the current auction price is increased by a predetermined value to

become the increased current auction price: and

wherein the auction device further comprises means for holding the

predetermined value.

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58. (currently amended) An auction device in accordance with claim 37, further

comprising seventh means for

reducing the current auction price if no bidder exists;

checking whether at least one bidder exists,

determining the existing bidder as a successful bidder if one bidder exists, and

further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing processes.

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59. (currently amended) An auction device in accordance with claim 37, further

comprising seventh means for

    reducing the current auction price if no bidder exists;

    checking whether at least one bidder exists,

    determining the existing bidder as a successful bidder if one bidder exists, and

    further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing processes,

    wherein the seventh means determines that the bidder exists when the current

auction price is reduced to the desired auction price of the bidder.

60. (currently amended) An auction device in accordance with claim 37,

    wherein the fifth means determines that the competitive state occurs when the

sum of amounts of products that the bidders desire to purchase is larger than the

amount of products to be auctioned.

61. (previously presented) An auction device in accordance with claim 60,

    wherein the fifth means determines that the competitive state does not occur if

the total sum of (1) the sum of minimum desired amounts of bidders who are included in

the bidders each having a nonzero desired amount and who do not purchase for an

amount less than the desired amount, (2) the number of bidders each having a

minimum desired amount equal to zero, and (3) the number of bidders who purchase

even if the amount is less than the desired amount, is equal to or less than the

remaining quantity of the products.

62. (previously presented) An auction method in accordance with claim 40,

wherein a plurality of products are auctioned and a plurality of successful bidders

are determined in the auction method.

63. (currently amended) An auction method in accordance with claim 40,

wherein in step f), the current auction price is increased by a predetermined

value; and

wherein the server computer holds the predetermined value.

64. (currently amended) An auction method in accordance with claim 40, further

comprising the steps, in the server computer, of:

reducing the current auction price if no bidder exists;

checking whether at least one bidder exists,

determining the existing bidder as a successful bidder if one bidder exists, and

further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing steps.

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65. (currently amended) An auction method in accordance with claim 41, further

comprising the steps, in the server computer, of:

reducing the current auction price if no bidder exists;

checking whether at least one bidder exists,

determining the existing bidder as a successful bidder if one bidder exists, and

further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing steps,

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wherein the server computer determines that the bidder exists when the current

auction price is reduced to the desired auction price of the bidder.

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66. (previously presented) An auction method in accordance with claim 40,

wherein, in the step e), whether the competitive state occurs or not is determined

based on the amount of products to be auctioned and the sum of amounts of products

that the bidders desire to purchase.

67. (previously presented) An auction method in accordance with claim 66,

wherein, in the step e), if the total of (1) the sum of minimum desired amounts of

bidders who are included in bidders each having a nonzero desired amount, (2) the

number of bidders each having a minimum desired amount equal to zero, and (3) the

number of bidders who purchase even if the amount is less than the minimum desired

amount, is equal to or less than the remaining quantity of the products, the server

computer determines that the competitive state does not occur.

68. (previously presented) An auction device in accordance with claim 45,

wherein a plurality of products are auctioned and a plurality of successful bidders

are determined.

69. (currently amended) An auction device in accordance with claim 45,

wherein the current auction price is increased by a predetermined value to

become the increased current auction price; and

wherein the auction device further comprises means for holding the

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predetermined values.

70. (currently amended) An auction device in accordance with claim 45, further

comprising seventh means for

reducing the current auction price if no bidder exists;

checking whether at least one bidder exists,

determining the existing bidder as a successful bidder if one bidder exists, and

further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing processes.

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71. (currently amended) An auction device in accordance with claim 46, further

comprising seventh means for

reducing the current auction price if no bidder exists;

checking whether at least one bidder exists,

determining the existing bidder as a successful bidder if one bidder exists, and

further reducing the current auction price if no bidder exists and repeating the

checking, determining, and further reducing processes,

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wherein the seventh means determines that the bidder exists when the current

auction price is reduced to the desired auction price of the bidder.

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72. (previously presented) An auction device in accordance with claim 45,

wherein the fifth means determines whether the competitive state occurs or not

based on the amount of products to be auctioned and the sum of amounts of products

that the bidders desire to purchase.

73. (previously presented) An auction device in accordance with claim 72,

wherein the fifth means determines the competitive state does not occur if the total sum

of (1) the sum of minimum desired amounts of bidders who are included in bidders each

having a nonzero desired amount and who do not purchase for an amount less than a

minimum desired amount, (2) the number of bidders each having a minimum desired

amount equal to zero, and (3) the number of bidders who purchase even if the amount

is less than the minimum desired amount, is equal to or less than the remaining quantity

of products.

74. (currently amended) An auction method in accordance with claim 34,

wherein the step f) further includes the step of determining a successful price of

the successful bidder, and wherein the successful price is equal to or less than the

desired auction price or maximum allowed price that the successful bidder is willing to

bid for the product and higher than the current auction price judged in step c) before the

competitive state is resolved by the increased current auction price.

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75. (currently amended) An auction device in accordance with claim 37,

wherein the sixth means determines a successful price of the successful bidder,

and wherein the successful price is equal to or less than the desired auction price or

maximum allowed price that the successful bidder is willing to bid for the product and

higher than the current auction price judged by the third means just before the

competitive state is resolved by the increased current auction price.

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76. (currently amended) An auction method in accordance with claim 40,

wherein the step f) further includes the step of determining a successful price of

the successful bidder, and wherein the successful price is equal to or less than the

desired auction price or maximum allowed price that the successful bidder is willing to

bid for the product and higher than the current auction price judged in step c) just before

the competitive state is resolved by increased current auction price.

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77. (currently amended) An auction device in accordance with claim 45,

wherein the sixth means determines a successful price of the successful bidder,

and wherein the successful price is equal to or less than the desired auction price or

maximum allowed price that the successful bidder is willing to bid for the product and

higher than the current auction price judged by the third means just before the

competitive state is resolved by the increased current auction price.

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78. (currently amended) An auction method in accordance with claim 34, further

comprising the step of:

j) displaying, during the auction, a transaction process when the competitive state

is resolved and a transaction process during the competitive state before the

competitive state is resolved.

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79. (currently amended) An auction device in accordance with claim 37, further

comprising:

ninth means for displaying, during the auction, a transaction process when the

competitive state is resolved and a transaction process during the competitive state

before the competitive state is resolved.

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80. (currently amended) An auction method in accordance with claim 40, further

comprising the steps of:

j) displaying, during the auction, a transaction process when the competitive state

is resolved and a transaction process during the competitive state before the

competitive state is resolved.

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81. (currently amended) An auction device in accordance with claim 45, further

comprising:

ninth means for displaying, during the auction, a transaction process when the

competitive state is resolved and a transaction process during the competitive sate

before the competitive state is resolved.

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82. (currently amended) An auction method in accordance with claim 40,

wherein, when the plural bidders transmit the same rules set in step d), the products are

allocated to the bidders in order of time of transmission of the rules set from the client

computer to the server.

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83. (currently amended) An auction device in accordance with claim 45, wherein,

when the plural bidders transmit the same rules set, the fourth means allocates the

products to the bidders in order of time of transmission of the rules set from the client

computer to the server.   "

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3.   The following is an examiner's statement of reasons for allowance: Claims 34,

36-37, 39-41, 44-46, 49-83 are allowed of which claims 34, 37, 40 and 45 are

independent claims and the rest are their dependencies.

        With reference claim 34, the prior art of record, alone or combined, does neither

anticipate nor render obvious an auction method executed in a server computer

connected with a plurality of client computers via a network, each client computer

belonging to a respective bidder, the auction method comprising the steps of, as a

whole:

        a) transmitting, from the server computer, information on a product to be

auctioned to the plurality of client computers via the network, establishing, in the server

computer, a current auction price against which bids are judged, b) receiving, in the

server computer, a rules set including at least one rule defining participation in the

auction by a bidder, from each of the plurality of client computers via the network,

determining, in the server computer, and based on the rules set received for each

bidder, a desired auction price that a bidder is willing to bid for the product, optionally

with a maximum allowed price greater than said desired auction price that a bidder is

willing to bid, c) judging, in the server computer, whether the current auction price is

equal to or lower than the desired auction price determined according to the rules set

received in step b) from each of the plurality of client computers that the bidder is willing

to bid, for each bidder, d) determining, in the server computer, each remaining bidder

who has sent the rules set by which it is judged that the current auction price is equal to

or lower than the desired auction price judged in step c), e) judging, in the server

computer, whether a competitive state occurs or not, based on the amount of products

to be auctioned and the sum of amounts of products that the bidders desire to

purchase, wherein a state in which there is more than one remaining bidder as a result

of said determining in step d) is defined as a competitive state, f) in response to a

judgment in step e) that the competitive state occurs, increasing, in the server

computer, the current auction price and repeating steps c), d), and e) using the

increased current auction price as the current auction price, wherein the repeating of

steps c), d), and e) is performed until it is determined in step e) that no competitive state

occurs, wherein if the current auction price is greater than the desired auction price

upon repeating step c), the repeated step c) judges whether the current auction price is

equal to or lower than the maximum allowed price if present in the rules set as

determined according to the rules set received in step b) from each of the plurality of

client computers that the bidder is willing to bid, for each bidder, and the repeated step

d) determines each remaining bidder if the current auction price exceeds the maximum

allowed price judged in step c), and g) in response to a judgment in step e) the

competitive state does not occur, determining, in the server computer, the remaining

bidder as a successful bidder.

Since limitations of claims 37, 40 and 45 are closely parallel they are also

allowed on the basis of same rationale as set forth for claim 34 above. All dependent

claims are also allowed on the basis of same rationale as set forth for claim 34 above.

4.   Discussion of best prior art: The applicant's arguments, Remarks filed 3/30/2009

(pages 20-23) are persuasive and compelling that Ausubel, US Patent number

5,905,975 does not teach or render obvious all the limitations recited in independent

claims 34, 37, 40 and 45 as currently amended.

5.   Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-

6756. The examiner can normally be reached on Increased Flex/Hoteling.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh C Garg/
Primary Examiner, Art Unit 3625